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REMARKS

Claim 1-7, 9-11, 13, 14, 16, 19-21 and 23-27 were examined.

Claims 1-7, 9-11, 13, 14, 16, 19-21 and 23-27 were rejected.

Claim 1 has been amended.

Claims 1-7, 9-11, 13, 14, 16, 18-21 and 23-27 are pending after the entry of the amendments made herein. The Applicants note that the Examiner did not identify, nor apparently examine, Claim 18 in the Office Action. However, Claim 18 is an originally filed claim and has not, at any time, been cancelled by the Applicants. Accordingly, Claim 18 is pending and the Applicants respectfully request the Examiner to note in the next communication that Claim 18 is pending.

Claim 1 has been amended to specify that the projections of the inter-digitating pattern are oppositely oriented. Support for this amendment can be found in the specification, for example at page 10, lines 19-21 and Fig. 1. This amendment has been made solely to expedite prosecution of the application.

In view of the above amendments and the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow Claims 1-7, 9-11, 13, 14, 16, 18-21 and 23-27, the only claims pending in this application.

As no new matter has been added by the above amendments, the Applicants respectfully request the entry thereof.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 1-7, 9-11, 13, 14, 16, 19-21, 23 - 27 under 35 U.S.C. §103(a) as being unpatentable over Kloepper in view of either Henschen et al., or Gargan. The Applicants respectfully submit that Claims 1-7, 9-11, 13, 14, 16, 19-21, 23 - 27 are patentable under 35 U.S.C. §103(a) over Kloepper in view of either Henschen et al., or Gargan.

Claim 1, and the claims that depend therefrom, as well as Claim 13 which incorporates the limitations of Claim 1, specifies a method that includes cutting a test strip precursor material into a plurality of reagent test strips according to an inter-digitating pattern positioned on the test strip precursor of a series of inter-laced, oppositely oriented projections positioned on the precursor material.

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The Applicants respectfully submit that the cited references either alone or in combination do not teach or suggest such a method, e.g., the cited references either alone or in combination do not teach or suggest an inter-digitating pattern that includes a series of inter-laced, oppositely oriented projections, positioned on the test strip precursor.

Kloepfer teaches test strips that may be cut out of a continuous strip that includes a continuous strip of separating material and a continuous strip of recipient material (col. 8 bridging col. 9; FIG. 11). However, as noted by the Examiner, Kloepfer does not teach an interdigitating pattern at all. Furthermore, nowhere does Kloepfer teach or suggest that the test strips can be oppositely oriented on the continuous strip and as clearly shown in FIG. 11, all the test strips that are to be cut from the continuous strip are not oppositely oriented on the continuous strip but rather are oriented in a side-by-side relation. Accordingly, Kloepfer does not teach or suggest all the claimed limitations for at least the reason that Kloepfer does not teach or suggest an interdigitating pattern of inter-laced, oppositely oriented projections.

Henschen et al. teach a self regulating temperature heater carrier strip. The heater carrier strip of Henschen et al. includes electrical terminals 20 and electrical terminals 21, each extending from a different substrate 17 and 27 respectively such that terminals 20 and 21 do not lie in the same plane (see e.g., Fig. 1, and col. 5, line 56 to col. 6, line 44). However, the terminal of Henschen et al., are not oppositely oriented. Accordingly, Henschen et al. fail to make-up for the deficiencies of Kloepfer as Henschen et al. fail to teach or even suggest an interdigitating pattern of inter-laced, oppositely oriented projections.

Gargan teaches slotted dividers for shipping cartons. However, the Gargan divider does not teach or suggest a precursor material that includes an interdigitating pattern thereon as claimed. Instead, the Gargan divider includes a blank such as thick corrugated pasteboard that has a heavily scored, horizontal part line. In use, the blank is separated along the part line into first and second divider members. These two separated divider members are then interlocked together to form a slotted divider for a shipping carton (see for example col. 2, lines 26-43; FIG. 1-4). It is this interlocking of the separated divider members that Gargan refers to as being "interdigitated" (see col. 3, lines 43-46). Clearly, the interdigitation of the separate divider members is not analogous to the interdigitating pattern of the subject claims which interdigitated pattern is positioned on the precursor material and is wholly different

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from interlocking two separated pieces together in an "interdigitated" manner as is taught by Gargan. As such, Gargan not only fails to teach or suggest an interdigitating pattern of any kind positioned on a precursor material, but Gargan also fails to teach or suggest an interdigitating pattern of a series of inter-laced, oppositely oriented projections positioned on a precursor.

The Examiner refers to col. 4, lines 10+ which the Examiner asserts teaches that "a stamped interdigitating pattern takes up less material because less material is wasted and therefore would have a lower production cost." The Applicants respectfully submit that the Examiner is mis-characterizing this statement. The text cited by the Examiner simply refers to the ability of the blank of Gargan to be stored flat and thus take up less space than a collapsed, pre-assembled divider "which consisted of essentially four interdigitated outer wing panels 15 and 18." In other words, Gargan describes the space requirements for a blank as compared to the space required to store separated dividers that have already been assembled in an interlocked manner, as Gargan describes as "interdigitated", and collapsed.

Accordingly, Gargan fails to make-up for the deficiencies of Kloeppfer as Gargan fails to teach or even suggest an interdigitating pattern of inter-laced, oppositely oriented projections positioned on a precursor material.

For at least the reasons described above, the Applicants respectfully submit that Claims 1-7, 9-11, 13, 14, 16, 19-21, 23 - 27 are patentable under 35 U.S.C. §103(a) over Kloeppfer in view of either Henschen et al., or Gargan. As such, the Applicants respectfully submit that request that this rejection be withdrawn.

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CONCLUSION

In view of the remarks, this application is considered to be in good and proper form for allowance and the Examiner is respectfully requested to pass this application to issue.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815, reference no. LIFE-016.

Respectfully submitted,
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Date: 9/10/03

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